

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CORNICHE CAPITAL, LLC;
NM GAS HOLDINGS 1, LLC;
NM GAS HOLDINGS 2, LLC;
and DE LiqNM LLC,

Plaintiffs,

v.

Case No. 2:17-CV-00106 CG-SMV

W & N ENTERPRISES, INC.,

Defendant.

**MOTION FOR LEAVE TO MAKE LIMITED ENTRY OF APPEARANCE
AND PRELIMINARY RESPONSE TO COURT ORDER TO SHOW CAUSE [DOC 34]**

COMES NOW the undersigned, on behalf of Plaintiffs, and requests this Court's approval to make a limited entry of appearance pursuant to Rule 83.4(c). In support of this Motion, Plaintiffs and their counsel move the court as follows:

1. Proposed limited entry.

This court has ordered Plaintiffs to show cause as to why their complaint should not be dismissed and judgment entered on the Counterclaim [Doc 34], but also requires Plaintiffs to be represented by counsel. Therefore, to the extent such issues need to be more fully briefed, Plaintiffs are in need of counsel to do so. Plaintiffs have been unable to secure substitute counsel for the same reasons Plaintiffs were unable to retain the undersigned counsel in the first place, as explained below.

The limitation requested is simply that the undersigned be allowed to provide the Court fuller briefing on this issue and to assist Plaintiffs in carrying out the proposed litigation logistics addressed herein.

2. Preliminary Response to Court's Order to Show Cause.

At the outset, Plaintiffs and the undersigned counsel thank the Court and opposing counsel for their flexibility and professionalism in addressing the delays experienced in this case, and Plaintiffs recognize that no more delay can or should be tolerated, but hopefully offer an acceptable path forward. By way of explanation, and not by way of excuse, the Plaintiffs, as a practical matter, are administered by David Ebrahimzadeh from Mr. Ebrahimzadeh's offices are located in New York. As such, it has been difficult for Mr. Ebrahimzadeh to coordinate with counsel in New Mexico due to lack of familiarity with the legal professional landscape in New Mexico. At a higher level, the issue for Plaintiffs to this point has been one of liquidity. Various real estate transactions, unrelated to this matter, did not occur as expected, leaving Plaintiffs in an illiquid position and creating a temporary hardship for Plaintiffs and the undersigned counsel. That said, the resolution of Plaintiffs' liquidity issues is either at hand or, Plaintiffs acknowledge, cannot be resolved on a timetable that comports with this litigation. Plaintiffs acknowledge and are aware that this Court must manage its docket and that these issues have created difficulties in the Court's ability to do so for which Plaintiffs apologize.

3. Proposed Path Forward.

In light of the foregoing, Plaintiffs propose and request the Court allow Plaintiffs until November 15, 2017, by which time Plaintiffs would do one of the following:

- a. (1). Direct counsel to enter a general entry of appearance for purposes of resuming this litigation; (2). Plaintiff's would also respond to all outstanding discovery without objections; and (3) move the Court for a modified yet expedited scheduling order; OR
- b. If the liquidity issue is not resolved as expected, Plaintiffs would agree to voluntarily dismiss Plaintiffs' claims and confess judgment to the Counterclaims.

WHEREFORE, Plaintiffs request leave for its counsel to file a limited entry of appearance

and to carry out the actions set forth above.

Pursuant to D.N.M.LR-Civ. 7.1(a), concurrence of Defense counsel was sought but not obtained prior to the filing deadline. Resolution of the liquidity issue and counsel's drafting of this motion occurred literally on the deadline day.

Respectfully submitted:

MARRS GRIEBEL LAW, LTD.

By /s/ Patrick J. Griebel
Patrick J. Griebel
1000 Gold Avenue SW
Albuquerque, NM 87102
Telephone: (505) 433-3926
Facsimile: (505) 639-4161
patrick@marrslegal.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 1, 2017, the foregoing was electronically filed through the District Court filing system, which caused the following counsel to be served by electronic means:

Martin, Lutz, Roggow, Hosford & Eubanks, PC
PO Drawer 1837
Las Cruces, NM 880041837
575-526-2449
Fax: 575-526-0946
dplutz@qwestoffice.net
Attorneys for Defendant W & N Enterprises, Inc.

/s/ Patrick J. Griebel
Patrick J. Griebel